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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/524,598	02/14/2005	Tatsuo Itabashi	112857-425	8820
29175 7590 11/21/2008 BELI., BOYD & LLOYD, LLP P. O. BOX 1135 CHICAGO, IL 60690				
EXAMINER HARPER, LEON JONATHAN				
ART UNIT 2166		PAPER NUMBER		
MAIL DATE 11/21/2008		DELIVERY MODE PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/524,598

Applicant(s)

ITABASHI ET AL.

Examiner

Leon J. Harper

Art Unit

2166

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 August 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 26-50 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 26-50 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SG/US)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Response to Amendment

1. The amendment filed on 8/25/2008 has been entered. Claims 1-25 have previously been cancelled. Claims 26-37, 42, 44, 47, 49 and 50 have been amended. Accordingly, claims 26-50 are pending in this office action. Since the claim amendments are based on the preliminary amendment filed February 14th 2008 a non final rejection is set forth below.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 26-50 rejected under 35 U.S.C. 103(a) as being unpatentable over US 20010047363 (hereinafter Peng) in view of US 20030061234 (hereinafter Ali).

As for claim 26 Peng discloses: a communication means for performing data communication with an external apparatus (See figure 5, paragraphs 0029,0033); and updating the mobile directory information stored in the storage means based on the collected information (See paragraph 0032).

Peng however does not disclose: a storage means for storing mobile directory information including information of nearby apparatuses (See paragraphs 0019,; and a controller means for collecting information of accessible nearby apparatuses. Ali however does disclose: a storage means for storing mobile directory information including information of nearby apparatuses; and a controller means for collecting information of accessible nearby apparatuses (See paragraph 0048).It would have been obvious to an artisan of ordinary skill in the pertinent at the time the invention was made to have incorporated the teaching of Ali into the system of Peng.The modification would have been obvious because the two references are concerned with the solution to problem of information processing, therefore there is an implicit motivation to combine these references. In other words, the ordinary skilled artisan, during his/her quest for a solution to the cited problem, would look to the cited references at the time the invention was made. Consequently, the ordinary skilled artisan, would have been motivated to combine the cited references since Ali's teaching would enable users of Peng to have included location routing in their queries.

As for claim 27 the rejection of claim 26 is incorporated and further Ali discloses: wherein the controller means receives the information of the nearby apparatuses from a

space directory (SDR) which stores the information of the nearby apparatuses, and updates the mobile directory information stored in the storage means (See paragraph 0005).

As for claim 28 the rejection of claim 26 is incorporated and further Ali discloses: wherein the control means receives the information of the nearby apparatuses from a space directory (SDR) which stores the information of the nearby apparatuses, while, in response to a transmission challenge from the space directory (SDR), the control means transmits encrypted data of the challenge created by its own secret key together with a public-key certificate to the space directory (See paragraph 0019).

As for claim 29 the rejection of claim 26 is incorporated and further Peng discloses: wherein the communication means performs Bluetooth wireless communication (See paragraph 0035).

As for claim 30 the rejection of claim 26 is incorporated and further Peng discloses: wherein the control means periodically collects the information of the accessible nearby apparatuses (See paragraph 0036)

As for claim 31 the rejection of claim 26 is incorporated and further Ali discloses: wherein the controller means communicates with a personal directory (PDR) which stores original data of the mobile directory information through communication relay

means included in the nearby apparatuses, and registers the position of the mobile information processor in the personal directory (PDR) (See figure 3 and paragraph 0019) .

Claim 32 is a information processor claim substantially corresponding to the mobile information processor of claim 1 and is thus rejected for the same reasons as set forth in the rejection of claim 26.

As for claim 33 the rejection of claim 32 is incorporated and further Ali discloses: wherein the control means registers position information of the external apparatus (See paragraph 0008).

Claim 34 is a information processor claim substantially corresponding to the mobile information processor of claim 1 and is thus rejected for the same reasons as set forth in the rejection of claim 26.

Claim 35-37 are information processor substantially corresponding to the mobile information processor of claims 27, 28, 29 respectively and are thus rejected for the same reasons as set forth in the rejection of claims 27, 29, 28.

Claims 38-41 are data communication system claims substantially corresponding to the mobile information processor claims of 26-28 and are thus rejected for the same reasons as set forth in the rejection of claims 26-28.

Claims 42-46 are data communication methods substantially corresponding to the mobile information processor claims of 26-28, 30 and are thus rejected for the same reasons as set forth in the rejection of claims 26-28, 30.

Claims 47 and 48 are data communication claims corresponding to the mobile information processor claims of 26-27, 30 and are thus rejected for the same reasons as set forth in the rejection of claims 26-27, 30.

Claims 49 and 50 are computer program product claims corresponding to the mobile information processor claims of 26 and are thus rejected for the same reasons as set forth in the rejection of claims 26.

Response to Arguments

Applicant's arguments filed 8/25/2008 have been fully considered but they are not persuasive.

Applicant argues:

Ali discloses "[t]he network 100 further includes service control points (SCPs) 70 which include at least one home location register (HLR) data base and can include visitor location registers (VLR)." Thus, the HLR data base is located in SCPs and not within a mobile information processor. For example, see Fig. 1, mobile unit 10 and HLR 70. Furthermore, Ali discloses an HLR stores subscriber information and current location data but fails to disclose storing information of nearby apparatuses. See Ali, paragraph [0005]. Thus, Ali fails to disclose a mobile information processor, comprising a storage means for storing mobile directory information including information of nearby apparatuses as is claimed and fully supported by the specification.

Ali discloses searching for a specific network point code address associated with a HLR and does not disclose collecting information of accessible nearby apparatuses. Furthermore, Ali discloses nothing about the proximity of the destined HLR. Thus, Ali fails to disclose a control means for collecting information of accessible nearby apparatuses as claimed and fully supported by the specification.

Examiner responds:

Examiner is not persuaded. Examiner is entitled to give claim limitations their broadest reasonable interpretation in light of the specification. Interpretation of Claims- Broadest Reasonable Interpretation: During patent examination, the pending claims must be 'given the broadest reasonable interpretation consistent with the specification.' Applicant always has the opportunity to amend the claims during prosecution and broad interpretation by the examiner reduces the possibility that the claim, once issued, will be interpreted more broadly than is justified. In re Prater, 162 USPQ 541,550-51 (CCPA 1969). The mobile information processor must store mobile directory information including information of nearby apparatuses. Ali discloses: a mobile switching center (See paragraph 0008). Ali further discloses that while the mobile units may communicate with a base station, the mobile units can also communicate directly with other wireless systems (See paragraph 0019). Accordingly, the mobile units contain information of accessible nearby apparatuses. The information is then used in the location routing (See paragraph 0048).

Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Leon J. Harper whose telephone number is 571-272-0759. The examiner can normally be reached on 7:30AM - 4:00Pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hosain T. Alam can be reached on 571-272-3978. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

LJH
Leon J. Harper
November 14, 2008

/Khanh B. Pham/

Primary Examiner, Art Unit 2166